Gulf Coast Vigil

Texas' environmental watchdogs fight to keep coastal wetlands from vanishing in the next wave of industrial development.

May 17, 2020

By Saba Rahimian

Chuck Naiser pushes his shallow poling skiff back from the boat launch just after the sun rises over Goose Island State Park. It's quiet today, the kind of quiet he remembers from 40 years ago -- before air-boaters revved their hovercrafts through the wetlands, dispersing the birds and alarming the fish, before industrial development eroded coastal flats and before warmer waters stressed the seagrass beds.

Along with the quiet, Naiser is grateful to see the fish cruising by the grass lines rather than darting in and out of hiding like they normally do.

Fears of the coronavirus have driven usual droves of weekend fishermen and day trippers away from the waterways near Rockport. This moratorium affirms Naiser's gospel -- that human impact on the coast needs mitigation.

"When you take people out of here, the fish after a while start behaving differently," Naiser says. "I'm trying to chronicle that … Because when people come back they're going to start acting stupid again."

Naiser became a professional fishing guide in Rockport, Texas, in 1993. Today he stands at the wheel of his skiff wearing one of his 12-pocketed khaki shirts. The redfish move about the bow of his boat, nicknamed *Namaste.*

With people gone during the pandemic, so went the park rangers. Texas Parks and Wildlife (TPWD) contacted Naiser on April 3. Their director, Carter Smith, asked him to volunteer and patrol boat activity, in exchange for keeping Goose Island Park open. Naiser is quick to jump on any opportunity that puts him on the water, especially if that opportunity gives him some secret authority or reporting rights. For the moment he calls himself an honorary ranger -- smiling with broken teeth through his white beard. While the rest of the world stays home, he gets to take notes and strengthen his talking points. He will use these to talk more fishermen into joining his efforts to conserve the fish stock and respect the seagrasses of his recreational playground.

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Beneath the towering steel flutes of the refineries on Texas' Gulf Coast, the standoff continues between big energy corporations and environmental activists.

Here, it's jobs versus lowering CO2 emissions, wider ship channels versus barrier islands that soften the blow from storm surges, and development versus disaster mitigation.

More recently, a pro-economic approach is building among scientists and activists in Texas. A shift in attitude is causing the two sides to bend toward one another as many fishermen, ranchers, and oil and gas engineers experience growing anxieties about proceeding with business as usual. Yet no substantive step has been taken from the top down. Within the community of environmentalists, the fear is that Texas is moving too slow.

But as the anthropogenic world quiets amid the coronavirus pandemic, the wishes and wants of many environmental actors may have found an unexpected window of opportunity. As Delhi catches a glimpse of its Himalayan backdrop for the first time in decades and Beijing's high-rises are enveloped by the once forgotten blue skies, it seems that the carbon emitting rat race has come to a rest stop.

Whether they believe or deny the importance of environmental conservation, Texans prefer to forge their own path forward. Legislated regulation is the last resort. For elected officials, restricting industry is a substantial political threat, and simply not Texan.

Environmental lawyer and professor of environmental law at Rice University, Jim Blackburn, understands that the fight is not a regulatory one. While Naiser mobilizes his fellow fishermen for conservation through a grass-routes organization he started called Flats Worthy, an alliance of diverse anglers, Blackburn is working to do what was once unthinkable -- befriend the big industries and propose new revenue opportunities tied to sustainable alternatives. If that plan fails, he is always prepared to take them to court.

"They have to know you're willing to inflict pain," says Blackburn.

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Seventy shoreline miles northeast of Matagorda Island, in the heart of Houston, Blackburn sends an email at 6:50 a.m. He shares a poem about the ivory-billed woodpecker, a native species now extinct. Blackburn reveres the ivory-bill. To him it's a mythological symbol of what's lost in the fight for habitat conservation and climate change.

"It was taken away from me," Blackburn says. "That bird was part of my heritage. I never got to enjoy it. So, you know, it's personal."

According to Audubon, Texas is home to 600 bird species, some migratory, some year-round residents. Three hundred and twenty of the 600 take refuge at the coastal wetlands.

Standing at 5 feet tall, the whooping crane is a Gulf Coast jewel for Texas birdwatchers and recreators. Aransas Bay and Copano Bay have long been blue crab feeding grounds for the majestic white birds with black-tipped wings that stretch approximately 7 1/2 feet when fully extended. In 2013, the Texas Commission on Environmental Quality (TCEQ) reduced the freshwater inflow to Aransas Bay. The blue crab died, and the crane starved. Twenty-three birds were lost, bringing the total wild count down to 15. Blackburn stepped in as lead counsel in defense of the cranes.

The same year, he sat in the southern district courtroom facing the Bay of Corpus Christi before the bench of Judge Janice Jack. Blackburn won in defense of the cranes in the district court, but just months later, in the fifth circuit Court of Appeals, he lost to the TCEQ. In the end the bureaucracy won, but three years of stalling, pressing back, and appealing to the Texas Supreme Court tired his opponents enough to entice collaboration on managing freshwater outflow.

"The system is set up, frankly, to lose species and habitats. Economic development is the preferred pathway for most everything that we do. You have to have a bag of tricks, and you have to have a lot of different approaches," says Blackburn.

Amid tall reeds and grasses, the species reemerges in greater numbers each annual fall migration. Blackburn watches the shoreline and marshes. Over the last 40 years this backdrop became his evidential guru, his philosopher of balance, and his oracle of prophecy, guiding him to the next task, the next case, and the next cause worth fighting for. The whooping crane is something that was almost lost. Today, the wild flock is back up to 400 birds, and in their grand bounding Blackburn reads hope.

In recent months the TCEQ published a permit for a new Steel Dynamics plant in Stinton to pipe their outfall into Copano Bay, an extension of Aransas Bay -- the feeding grounds of the whooping crane.

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Conservation and climate change frequently sit at the losing end of the state's century-and-a-half pursuit of fierce independence. In principle and practice, economic power is the singular path to maintain opportunity and freedom. Today, Texas sits as the second-largest economy in the United States and the 10th largest in the world.

In 2019 Texas oil and gas paid more than $16 billion in state and local taxes and royalties. The same year a $10 billion ExxonMobil plastics plant would create 600 permanent jobs and 6,000 construction jobs during its development in Portland. The Houston Chronicle reported on the $380 million project to deepen Corpus Christi's ship channel so that it will accommodate two-way traffic of the world's largest crude supertankers. This industrial trade post will move "2

million barrels of crude oil and refined products per shipment," most of which is expected to arrive daily from the Permian Basin.

The developments have promised to eclipse the Houston port in wealth and job opportunities for the citizens of Port Aransas, Aransas Pass, Rockport, Ingleside, Portland, Corpus Christi and other surrounding communities. These companies arrive alongside post-Hurricane Harvey rebuilding projects. And the industrial boom promises to accrue enough tax money to help expedite reconstruction and create jobs.

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Steady propagation of oil and gas, real estate development, and industrial and agricultural plants creates jobs and elevates the status of cities. But industrious spread comes at the cost of the not-so-slowly disappearing crescent of undamaged coastline.

Before the first businesses and corporations drove developmental stakes into the coastline around Corpus Christi, the region was mostly inhabited by mass bird migrations, wild Mustangs, and the Karankawa Native American tribe.

What's now Corpus Christi struggled to be much of anything in the mid 1850s. The city only found its silver lining in the conception of a deep-water channel and the establishment of a port. It was completed in 1890. A New Yorker by the name of Elihu H. Ropes deemed Corpus "the Chicago of the Southwest," fixing attention on the region as a new trade post. Next came railroads and trade infrastructure — first for cotton, then for oil. Meanwhile, commercial fishermen and meat packers settled into nearby Rockport in the 1880s and strategically positioned themselves as a lobbying force for the "Corpus Christi Plan." The development of the channel and a port would increase Rockport's distribution of fish and cattle as well.

Present-day residents of Corpus and its surrounding cities first arrived at the western appendages of Harris and Galveston counties to work in new oil fields. For some, like Dean Thomas, owner of Slowride Guide fishing and kayaking tours, oil jobs built nest eggs to pursue real passions.

Thomas puts it this way: "Texas has a strong redneck, bubba factor. There's no bigger motivation for Texans to protect the environment than a threat to their hunting, fishing and access to water. But anti-oil doesn't work. Oil is what makes Texas what it is. If you live here your whole life, you learn to live with it. You learn to appreciate it, as it generates a lot of money."

Both Thomas and Naiser blurred the lines of their loyalty to oil and gas when they realized the shoreline was not an infinite resource. "Whenever industry damages it or removes it, it's really hard to replace," says Thomas.

Naiser brought Thomas onto the Board of Flats Worthy as a communications liaison to the Port of Corpus Christi in 2017.

Looking at the big picture, Naiser says he just wants to be realistic in their conservation efforts.

“What I want to do is be on the clean end of a dirty stick, OK?” he says. “Sometimes you just have to endure it, keep your mouth shut, stay low, play the game, and be there in the end.”

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Marguerite Naiser first introduced Chuck to Rockport in 1967. In the early days it was the two of them, wading through clear 12-inch-deep water, hunting and stalking redfish from early morning until the sun tucked behind the Texas-size seagrass horizon line. For the next 15 years the two lived in Houston -- Chuck worked in insurance, and Marguerite taught elementary school. Weekends were for fishing. “All this is because of her and her daddy,” Chuck says, pointing at a photograph from 1973. “We all saw something develop.”

He hesitates to say that observing the waterways and the habitat all these years has made him an environmentalist. “I am a conservative, OK?,” he says. “Global warming, climate change, politics, blah blah. That’s where I get lost. The climate’s never been static.”

Despite his political stance, and pushback on environmental lingo, he readily refers to his archive of satellite images that track the decline in seagrass. He also speaks of the rising sea level and the undeniable fact that the water is warmer. His avoidance of the topic is often contradicted by a flip-flop in his own conscience.

“I get the environmental deal. I do. I think we have to correct ourselves. It’s the extent of the blame that I resent,” says Naiser. He stops speaking and holds back emotion; tears fill his eyes.

Chuck recalls a day at Harbor Island with Marguerite, “I remember, she had a bikini on,” he says pushing a smile through tears. He swivels around in his office chair and pulls up the exact location of their outing on Google Earth. He recalls the two of them out there alone. It is the same location of today’s approved site for a desalination plant necessary to support the next wave of industrial development initiated by the Port of Corpus Christi.

The desalination plant will drop salt concentrate across the flats of his youth. This project, alongside a wider ship channel, will leave his fishing grounds vulnerable to further erosion and throw off the salinity of the shallow waters, causing a wider dead zone for both fish and vegetation.

Last July the Gulf dead zone spanned 8,717 square miles along the continental shelf of Texas and Louisiana.

“There’s so many things that go through my mind. There’s so many things that need doing. I can’t do all of them,” he says.

In the late 1970s and early ‘80s, Naiser’s foe was the commercial fishermen. While the local industry depleted the fish stock, he caught wind of the formation of the Gulf Coast Conservation Association (GCCA), now the national Coastal Conservation Association (CCA), at a boat show in Houston. Naiser took the seat of vice president in the early ‘80s. He stuck around with the GCCA long enough to get a sense of how his opponents would deal with his vocal opposition to their business practices. His enemies, he says, framed him for vandalizing a commercial fisherman’s gear, and a neighbor shot at Naiser’s early Rockport vacation home while in a drunken fit.

The fight took Naiser to Austin where he faced politicians and the bureaucracy of the Texas Legislature. He says that time in Austin made it clear, he never wanted to deal with the government again, even though the GCCA was able to pass legislation that regulated commercial fishing over time.

As that battle, known by many as the “Great Redfish Wars,” died down, Naiser began watching the coast from the platform of his boat once again.

Today the problems he faces are different.

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Blackburn grew up in the South Rio Grande Valley of Texas but spent most holidays in Louisiana with uncles who he recalls “knew the backwoods like the backs of their hands.” Hunting and fishing were a family pastime. Today, Blackburn still fishes, but he has traded hunting for birdwatching.

The University of Texas School of Law introduced its first environmental law class in 1972, which Blackburn attended his last semester before graduating. Without institutional precedence or theory, this subject remained uncharted territory. Blackburn’s lack of official training gave him the exact out-of-the-box thinking necessary to get his early environmental cases into a courtroom.

Blackburn began his practice from his dining room table. The money was painstakingly limited.

In an early case, he represented Alice Flores against the Bend County Landfill, constructed in the heart of the Little Mexico neighborhood in Rosenberg. His payments were contingent upon Flores’ weekly tamale sales. “Bless their souls, those ladies made a lot of tamales,” he says.

Flores’ tamale making was not done in vain. The case was a complete victory, which was and still is rare to come by in Blackburn’s line of work.

His non-folkloric battle against Goliath eventually brought him to face personal ruin. Pressure from his big corporate opponents drove him to drink. In 1986, Blackburn was forced to reconcile with a higher power in Step 2 of his 12 steps to sobriety. He had a difficult time with the God of

it all. One day, driving along the Texas coast, he turned his faith and struggle over to Galveston Bay and deemed it his higher power, calling it “Earth Church,” a new guiding force for his sobriety and his career.

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When it comes to what Naiser watches for, the clearest link to the declining resource is the seagrass. Marine vegetation brought him to the desk of Katie Swanson at University of Texas Marine Science Institute in Port Aransas.

Swanson’s research focuses on seagrass and plant biodiversity of the coastal wetlands and marshes of Texas. She says seagrasses play a number of roles along the coast. They are incubators and nurseries for shrimp and oysters. The submerged fields are feeding grounds for redfish, speckled trout, flounder, and blue crab. They protect coastal communities from storm surges and shoreline erosion, and they capture twice as much carbon per square meter than a terrestrial forest. Naiser invites Swanson on his boat from time to time. Swanson provides Naiser the science he needs to back his arguments. And Naiser breaks through Swanson’s apathy, sparking intermittent hope.

He teaches her to fish, and they track new seagrass cuts. When airboaters cut across fields to take shortcuts to new canals, they lay and break grass along the way.

This “jackassery” by airboaters is why Flats Worthy began, according to Naiser. But now, erosion created by wakes of large barges and displaced flats from dredging a deeper ship channel pose a greater threat than even the airboaters.

“The layman's explanation of the issue is simple. They're making more boats but they're not making more water,” Naiser says.

Naiser doesn’t pretend to have enough power to impact the Port’s economic decisions. He believes he’s lived long enough to learn that citizen actors are where he can make more of a difference. So he keeps his focus mostly on the airboaters and recreationists, but occasionally he crosses his own boundaries.

In response to a recent uproar against the Port Of Corpus Christi’s new projects and developments, Naiser brought his friend and fellow fishing guide, Thomas, onto the board of Flats Worthy. The two met with Sarah Garza, the director of Environmental Planning and Compliance for the port of Corpus Christi, to discuss their options.

Thomas proposed that the port authorize Flats Worthy to repurpose the dredged material from the new ship channel and build new flats along the shore. Naiser offered to appoint a panel of fishermen to help Garza understand popular opinion about the projects before they go public.

They felt victorious after their meeting. But more than a month has passed, and Naiser and Thomas haven't heard from Garza.

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Blackburn says what Naiser is doing is certainly important. A multi-channel approach to conservation and climate change is needed in Texas. He also says it's not enough.

"We live in a red state," says Blackburn. "We need to come up with red state solutions that work. Then I would tell you, things that work in our part of the world, they'll probably work anywhere in the United States."

Blackburn is careful not to publicly criticize Naiser. But, before second tier negotiations begin, he says it's important to tackle the most mutually beneficial option prior to bending in favor of industry.

"I'm not opposed to the export of oil. I don't think it's a good idea, but that doesn't get my dander up," says Blackburn. "This is Texas, and oil will flow out of the state. What gets my dander up is destroying the pass, bringing a lot more saltwater in, and breaking apart the protection against storm surges. The bay is more vulnerable to hurricanes when there are deeper channels." He reminds me that Houston virtually diminished their storm protection when they widened their ship channel.

In his opinion, the deepening of the ship channel at Corpus is not solvable. But the desalination plant can be moved offshore three miles. There's more opportunity for discharged, highly saline water to mix back into the ocean with a less abrasive impact on living organisms. The only reason to build the plant onshore is lower cost.

"Corpus Christi hasn't felt the bite of opposition yet," Blackburn says. He believes his economic approach will make new developers question their viability and longevity when he delivers an explanatory blow to their profit margin in the arena.

"Economics kills more projects than anything. The state won't kill projects," says Blackburn.

Blackburn's local fame is built around argumentative points that make him an amicable pariah. His theory of "circular economy" is detailed and outlined in at least four lengthy documents in partnership with the Baker Institute at Rice University. He and his colleagues know that dollar signs speak louder than science. He's not above turning environmental activism into a game of moneyball when necessary to capture his opponents attention.

"A good regulatory agency should do what I'm doing. Push to find these types of solutions so that the end result for the industries can occur, without the harm. But that's not what the power brokers want of the political system here. And the political system reacts to those powerful

figures, whoever they may be," says Blackburn. "That's what I've been up against my whole career."

Blackburn sits at home with Kerr and continues to write a poem a day. He waits for the coronavirus to pass from the safety of his home office and patio chair nestled in front of turquoise french doors. He rereads his documents titled, "Core Principles for the Proposed United States Standard for Storage of Carbon in the Soil" and "Progress Report #1 on the Future of the Plastics Industry." Some days he and Kerr pack a picnic and head to a marsh or a bay to bird watch from their car.

As the coronavirus continues to shake the state's economy, Blackburn anticipates a change of heart. His hope lies with the new generation of oil and gas managers and engineers. He says they are beginning to ask more questions and think about the future of their companies. Some have contacted locals like Loy Sneary, CEO of Gulf Coast Green Energy. Sneary recently contracted some coastal plants to repurpose their waste-heat into power for plant-generators. Sneary says they're excited to lower emission byproducts from their refinery flares. Blackburn remains hopeful that he may peak these flexitarians' interest one day.

"My biggest fear is that we're going to destroy the lower Texas Coast, in the dying days of the oil industry. I think that will be a real tragedy," says Blackburn. "But then, I always have an optimistic point of view. There's a positive out there. I've just got to find it. And it means doing some crazy things sometimes."

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In Rockport, concerned citizens watch as the Steel Dynamics Stinton plant presses forward without any adjustment to their outfall pipeline planned for Copano Bay.

In a late February hearing, locals in Port Aransas opposed the Port of Corpus Christi's decision to move forward with the desalination plant.

But the pandemic put a damper on many opposition activities. Environmental actors stayed home and government offices were closed, while the construction of the plant remained essential. Now with the state mostly reopened, environmental watch dogs are preparing to re-engage and make up for lost time, even if it's from the safety of their own homes.

TPWD reopened and reinstated its rangers less than a month after closing. Though some residents are weary to go out, the young and restless are back on the water. Naiser keeps his distance, mostly for Marguerite's sake; her third battle with lymphoma puts her among the most vulnerable against the coronavirus.

Naiser wishes the scientists could do more.

“It’s human to get bogged down,” he says. “I feel like the young ones are challenged and enthusiastic. But over time they're beat back by the institution. I heard their bosses saying, look, this is an 8 to 5 job, and then you're out of here. So, it's got this built in mediocrity to it, right?”

At 75, he pushes ahead with weekly phone calls and Zoom meetings to keep the community engaged. His fight for the coastal wetlands looks more like a vigil these days. Naiser stands watch and increasingly sacrifices sleep, but is unwilling to lose momentum; he says he can’t afford it.

“I’m not really a Kumbaya guy. But that's what this calls for. You know? I say, ‘Hey, let’s settle down around a fire, roast some marshmallows around this damn thing and chill out— just talk about it.” says Naiser. “Is that complicated? I guess it’s a simplification to a complicated issue, OK?”